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PATENT
5858-01800 (SR 2002/30 US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Schilling

Serial No. 10/736,446

Filed: December 15, 2003

For: DEVICE AND METHOD FOR
BROADBAND TRANSMISSION OF
DIGITAL OPTICAL SIGNALS
BETWEEN TRAVELING UNITS

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Group Art Unit: 2874

Examiner: Unknown

Attorney Docket No. 5858-01800

I hereby certify that this correspondence is being transmitted via facsimile or deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the date indicated below:

12/02/2005
Date

Kevin L. Daffer

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER MPEP § 708.02, I

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313
Attn: Group Director, Group 2874

Dear Sir or Madam:

Applicant hereby petitions to make special the captioned application pursuant to 37 C.F.R. § 1.102(d) on grounds that the Applicant wishes to manufacture the captioned invention as set out in MPEP 708.02, I.

Applicant began manufacturing prototypes in November, 2004. Before manufacturing the captioned invention in quantity, or dedicating sufficient capital and facilities to that end, Applicant through its undersigned attorney hereby states:

1. The assignee of the captioned application, Schleifring und Apparatebau GmbH, while having already manufactured prototypes and provided them under confidentiality to certain customers beginning in December, 2004, have yet to manufacture this invention in quantity but have committed sufficient capital and facilities to be made available if a patent is granted from this application.

2. The assignee is a corporation and, therefore, a corroborating statement is believed unnecessary to show that Schleifring und Apparatebau GmbH have sufficient capital and resources available to manufacture this invention once a patent is granted. However, through its undersigned, the assignee corporation does in fact have sufficient capital and facilities to be made available upon patent grant.
3. The assignee, as a prospective manufacturer, will not increase present manufacture unless certain that a patent will be granted.
4. The assignee, as a prospective manufacturer, obligates itself to manufacture the invention in the United States or its possessions in quantity immediately upon the allowance of claims or issuance of the patent which will protect the investment of capital and facilities dedicated to the manufacturing endeavor. Once claims are allowed, the assignee will commit manufacturing resources to its manufacturing plant: Schleifring Medical Systems, LLC, 1420 Crispin Drive, Elgin, Illinois 60123.
5. The assignee has made a careful and thorough search of the prior art and has good knowledge of the pertinent art. Accompanying this petition is an Information Disclosure Statement reciting such prior art for consideration by the Examiner. The references being most closely related to the claimed subject matter are characterized within the captioned patent application specification, and are hereby placed of record in the Information Disclosure Statement filed herewith.

Authorization is hereby made to charge the required fee under 37 C.F.R. § 1.17(h) to Daffer McDaniel, LLP deposit account number 50-3268/5858-01800.

Respectfully submitted,



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